

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-01050-RJL**

AMERICAN IMMIGRATION COUNCIL v. UNITED
STATES DEPARTMENT OF HOMELAND SECURITY et al
Assigned to: Judge Richard J. Leon
Referred to: Magistrate Judge G. Michael Harvey (Settlement)
Cause: 05:552 Freedom of Information Act

Date Filed: 06/06/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

represented by **Brian Arthur Coleman**
DRINKER BIDDLE & REATH LLP
1500 K Street, NW
Suite 1100
Washington, DC 20005
(202) 842-8800
Fax: (202) 842-8465
Email: brian.coleman@dbr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald S. Hartman
LAW OFFICES OF JERRY HARTMAN
3607 Whispering Lane
Falls Church, VA 22041
(703) 919-0423
Email: jerryhartman@mac.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Eliot Starnes
STARNES PLLC
1500 K Street, NW
Washington, DC 20005
(202) 630-9948
Email: tomstarnes@starnespllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY**
Office of General Counsel

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2575
Fax: (202) 252-2599
Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tammy Allison Holloway
U.S. ATTORNEY'S OFFICE for D.C.
Civil Division
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2633
Fax: (202) 252-2599

Email: tammy.holloway2@usdoj.gov
 TERMINATED: 06/19/2017

Defendant

**UNITED STATES CUSTOMS AND
 BORDER PROTECTION**
Office of the Chief Counsel

represented by **Johnny Hillary Walker , III**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tammy Allison Holloway
 (See above for address)
 TERMINATED: 06/19/2017

Date Filed	#	Docket Text
06/06/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-4555644) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Civil Cover Sheet, # <u>10</u> Summons, # <u>11</u> Summons, # <u>12</u> Summons, # <u>13</u> Summons, # <u>14</u> Summons, # <u>15</u> Summons)(Coleman, Brian) (Entered: 06/06/2016)
06/06/2016	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN IMMIGRATION COUNCIL (Coleman, Brian) (Entered: 06/06/2016)
06/06/2016		Case Assigned to Judge Richard J. Leon. (md) (Entered: 06/07/2016)
06/07/2016	<u>3</u>	SUMMONS Issued Electronically as to UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 06/07/2016)
06/24/2016	<u>4</u>	NOTICE of Appearance by Tammy Allison Holloway on behalf of All Defendants (Holloway, Tammy) (Entered: 06/24/2016)
06/30/2016	<u>5</u>	Unopposed MOTION for Extension of Time to by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Holloway, Tammy) (Entered: 06/30/2016)
07/01/2016		MINUTE ORDER granting <u>5</u> Defendants' Unopposed Motion for Enlargement of Time. It is hereby ORDERED that the motion is GRANTED. It is further ORDERED that defendants have up to and including August 14, 2016 to answer or otherwise respond to plaintiff's complaint. Signed by Judge Richard J. Leon on 07/01/2016. (lcrjl1,) (Entered: 07/01/2016)
07/06/2016		Set/Reset Deadlines: Answer due by 8/14/2016. (tb) (Entered: 07/06/2016)
08/09/2016	<u>6</u>	<i>Defendants'</i> ANSWER to Complaint by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY.(Holloway, Tammy) (Entered: 08/09/2016)
08/15/2016	<u>7</u>	STANDING ORDER. Signed by Judge Richard J. Leon on 08/15/16. (lcrjl1,) (Entered: 08/15/2016)
09/28/2016	<u>8</u>	MEET AND CONFER STATEMENT. (Holloway, Tammy) (Entered: 09/28/2016)
11/09/2016	<u>9</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Holloway, Tammy) (Entered: 11/09/2016)
12/09/2016	<u>10</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Holloway, Tammy) (Entered: 12/09/2016)

01/09/2017	<u>11</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Holloway, Tammy) (Entered: 01/09/2017)
01/19/2017	<u>12</u>	NOTICE of Change of Address by Gerald S. Hartman (Hartman, Gerald) (Entered: 01/19/2017)
02/09/2017	<u>13</u>	Joint STATUS REPORT. (Starnes, Thomas) Modified event title on 2/10/2017 (znmw). (Entered: 02/09/2017)
06/19/2017	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Johnny Hillary Walker, III on behalf of All Defendants Substituting for attorney Tammy Holloway (Walker, Johnny) (Entered: 06/19/2017)
07/07/2017	<u>15</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 07/07/2017)
07/10/2017		MINUTE ORDER: Upon consideration of the parties' Joint Status Report <u>15</u> , it is hereby ORDERED that the parties shall file a joint status report on or before 08/07/17. Signed by Judge Richard J. Leon on 07/10/17. (lcrjl1) (Entered: 07/10/2017)
08/07/2017	<u>16</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Walker, Johnny) (Entered: 08/07/2017)
08/09/2017		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>16</u> , it is hereby ORDERED that the parties shall file a joint status report on or before September 6, 2017. Signed by Judge Richard J. Leon on 08/09/2017. (lcrjl1) (Entered: 08/09/2017)
09/06/2017	<u>17</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Walker, Johnny) (Entered: 09/06/2017)
09/08/2017		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>17</u> , it is hereby ORDERED that the parties shall file a joint status report on or before October 6, 2017. Signed by Judge Richard J. Leon on 09/08/2017. (lcrjl1) (Entered: 09/08/2017)
10/06/2017	<u>18</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Walker, Johnny) (Entered: 10/06/2017)
10/12/2017		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>18</u> , it is hereby ORDERED that the parties shall file a joint status report on or before November 6, 2017. Signed by Judge Richard J. Leon on 10/12/2017. (lcrjl1) (Entered: 10/12/2017)
11/06/2017	<u>19</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Walker, Johnny) (Entered: 11/06/2017)
11/08/2017		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>19</u> , it is hereby ORDERED that the parties shall file a joint status report on or before December 6, 2017. Signed by Judge Richard J. Leon on 11/8/2017. (lcrjl1) (Entered: 11/08/2017)
12/06/2017	<u>20</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Walker, Johnny) (Entered: 12/06/2017)
12/19/2017		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>20</u> , it is hereby ORDERED that the parties shall file a joint status report on or before February 5, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 12/19/2017. (lcrjl1) (Entered: 12/19/2017)
02/05/2018	<u>21</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 02/05/2018)

02/12/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>21</u> , it is hereby ORDERED that the parties shall file a joint status report on or before March 7, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 2/12/2018. (lcrjl1) (Entered: 02/12/2018)
02/12/2018		Set/Reset Deadlines: Joint Status Report due by 3/7/2018. (tb) (Entered: 02/12/2018)
03/07/2018	<u>22</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 03/07/2018)
03/12/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>22</u> , it is hereby ORDERED that the parties shall file a joint status report on or before April 6, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 3/12/2018. (lcrjl1) (Entered: 03/12/2018)
03/12/2018		Set/Reset Deadlines: Joint Status Report due by 4/6/2018. (jth) (Entered: 03/12/2018)
04/06/2018	<u>23</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 04/06/2018)
04/13/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>23</u> , it is hereby ORDERED that the parties shall file a joint status report on or before May 7, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 4/13/2018. (lcrjl1) (Entered: 04/13/2018)
05/07/2018	<u>24</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 05/07/2018)
05/16/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>24</u> , it is hereby ORDERED that the parties shall file a joint status report on or before June 7, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 5/16/2018. (lcrjl1) (Entered: 05/16/2018)
06/07/2018	<u>25</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 06/07/2018)
06/19/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>25</u> , it is hereby ORDERED that the parties shall file a joint status report on or before July 9, 2018. SO ORDERED. Signed by Judge Richard J. Leon on 6/19/2018. (lcrjl1) (Entered: 06/19/2018)
07/09/2018	<u>26</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 07/09/2018)
07/11/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report <u>26</u> , it is hereby ORDERED that the parties shall file a joint status report on or before August 8, 2018. It is further ORDERED that the status report due August 8, 2018 shall either inform the Court that the parties have reached an agreement on the issue of fees and costs or propose a schedule for briefing the issue of fees and costs. SO ORDERED. Signed by Judge Richard J. Leon on 7/11/2018. (lcrjl1) (Entered: 07/11/2018)
08/08/2018	<u>27</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(Starnes, Thomas) (Entered: 08/08/2018)
08/20/2018		ENTERED IN ERROR.....Minute Order. Upon consideration of the parties' <u>27</u> Joint Status Report, it is hereby ORDERED that plaintiff shall file its motion for an award of fees and costs no later than 9/14/2018; defendants shall file any opposition to plaintiff's motion no later than 10/15/2018; and plaintiff shall file any reply no later than 10/30/2018. It is further ORDERED that between 10/31/2018 and 11/30/2018, the parties shall seek to resolve the issues raised in plaintiff's motion for fees and costs by mediation, using the services of a mediator selected by the parties. It is further ORDERED that the parties shall file a joint status report no later than 12/3/2018 informing the Court whether all outstanding issues regarding fees and costs have been resolved by agreement. SO ORDERED. Signed by Judge Richard J. Leon on 08/20/18. (lcrjl1) Modified on 8/23/2018 (jth). (Entered: 08/20/2018)
08/23/2018		NOTICE OF CORRECTED DOCKET ENTRY: The Court's Minute Order issued 8/20/2018 was entered in error and will be refiled by the Court. (jth) (Entered: 08/23/2018)

		08/23/2018)
08/23/2018		MINUTE ORDER. Upon consideration of the parties' <u>27</u> Joint Status Report, it is hereby ORDERED that plaintiff shall file its motion for an award of fees and costs no later than 9/14/2018; defendants shall file any opposition to plaintiff's motion no later than 10/15/2018; and plaintiff shall file any reply no later than 10/30/2018. It is further ORDERED that between 10/31/2018 and 11/30/2018, the parties shall seek to resolve the issues raised in plaintiff's motion for fees and costs by mediation, using the services of a mediator selected by the parties. It is further ORDERED that the parties shall file a joint status report no later than 12/3/2018 informing the Court whether all outstanding issues regarding fees and costs have been resolved by agreement. SO ORDERED. Signed by Judge Richard J. Leon on 08/23/18. (lcrjl1) (Entered: 08/23/2018)
09/14/2018	<u>28</u>	MOTION for Attorney Fees <i>and Costs</i> by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit)(Starnes, Thomas) (Entered: 09/14/2018)
10/12/2018	<u>29</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION for Attorney Fees <i>and Costs</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/12/2018)
10/18/2018		MINUTE ORDER granting <u>29</u> Consent Motion for Extension of Time to Respond to Plaintiff's Motion for Attorneys' Fees. It is hereby ORDERED that the motion is GRANTED. It is further ORDERED that defendants shall file their opposition to plaintiff's motion for attorneys' fees no later than 11/14/2018 and that plaintiff shall file its reply no later than 12/6/2018. It is further ORDERED that the parties shall file a joint status report no later than 1/9/2019. SO ORDERED. Signed by Judge Richard J. Leon on 10/18/18. (lcrjl1) (Entered: 10/18/2018)
10/19/2018		Set/Reset Deadlines: Response due by 11/14/2018. Reply due by 12/6/2019. Joint Status Report due by 1/9/2019 (tb) (Entered: 10/19/2018)
11/14/2018	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION for Attorney Fees <i>and Costs</i> by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 11/14/2018)
11/19/2018		MINUTE ORDER granting <u>30</u> Defendants' Consent Motion for an Extension of Time to Respond to Plaintiff's Motion for Attorneys' Fees. It is hereby ORDERED that the motion is GRANTED. It is further ORDERED that defendants shall file their opposition to plaintiff's motion for attorneys' fees no later than 11/19/18; plaintiff shall file its reply in support of the motion for attorneys' fees no later than 12/11/18; and the parties shall file a joint status report no later than 1/14/19. SO ORDERED. Signed by Judge Richard J. Leon on 11/19/18. (lcrjl1) (Entered: 11/19/2018)
11/19/2018	<u>31</u>	Memorandum in opposition to re <u>28</u> MOTION for Attorney Fees <i>and Costs</i> filed by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration of Patrick Howard (with attachments))(Walker, Johnny) (Entered: 11/19/2018)
11/20/2018		Set/Reset Deadlines: Response due by 11/19/2018. Reply due by 12/11/2018. Joint Status Report due by 1/14/2019. (tb) (Entered: 11/20/2018)
12/07/2018	<u>32</u>	Consent MOTION for Extension of Time to File Response/Reply by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Starnes, Thomas) (Entered: 12/07/2018)
12/20/2018	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Starnes, Thomas) (Entered: 12/20/2018)
01/04/2019	<u>34</u>	REPLY to opposition to motion re <u>28</u> MOTION for Attorney Fees <i>and Costs</i> filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Affidavit of Thomas E. Starnes, # <u>2</u> Affidavit of Gerald S. Hartman)(Starnes, Thomas) (Entered: 01/04/2019)

01/29/2019	<u>35</u>	STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 01/29/2019)
02/01/2019		MINUTE ORDER. It is hereby ORDERED that plaintiff's <u>32</u> Consent Motion for an Extension of Time, and <u>33</u> Consent Motion for a Further Extension of Time are DENIED AS MOOT. It is further ORDERED that the parties shall file a joint status report within 14 days of the date of this Order updating the Court as to what additional time is necessary to mediate the issues raised in the pending <u>28</u> Motion for Fees. SO ORDERED. Signed by Judge Richard J. Leon on 2/1/19. (lcrjl1) (Entered: 02/01/2019)
02/08/2019	<u>36</u>	NOTICE of Change of Address by Thomas Eliot Starnes (Starnes, Thomas) (Entered: 02/08/2019)
02/11/2019	<u>37</u>	ENTERED IN ERROR.....NOTICE of Appearance by Alan John Joaquin on behalf of AMERICAN IMMIGRATION COUNCIL (Joaquin, Alan) Modified on 2/11/2019 (zjf). (Entered: 02/11/2019)
02/11/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>37</u> Notice of Appearance was entered in error and counsel was instructed not to refile said pleading without contacting the attorney admission clerk @ (202) 354-3110 (jf) (Entered: 02/11/2019)
02/14/2019	<u>38</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS AND BORDER PROTECTION, UNITED STATES DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 02/14/2019)
03/07/2019	<u>39</u>	Joint MOTION for Referral to a Magistrate Judge <i>for Mediation</i> by AMERICAN IMMIGRATION COUNCIL (Starnes, Thomas) (Entered: 03/07/2019)
04/30/2019	<u>40</u>	Joint STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Starnes, Thomas) (Entered: 04/30/2019)
05/28/2019		MINUTE ORDER. Upon consideration of the parties' <u>39</u> joint motion for referral to a magistrate judge for mediation, it is hereby ORDERED that the motion is GRANTED. This case is hereby REFERRED to Magistrate Judge G. Michael Harvey for mediation of the remaining dispute, plaintiff's Motion for Attorneys' Fees and Costs. SO ORDERED. Signed by Judge Richard J. Leon on 5/28/19. (lcrjl1) (Entered: 05/28/2019)
05/28/2019		CASE DIRECTLY REFERRED to Magistrate Judge G. Michael Harvey for mediation. (zad) (Entered: 05/28/2019)
05/31/2019	<u>41</u>	MEDIATION STANDING ORDER. Signed by Magistrate Judge G. Michael Harvey on 5/31/19. (lcmgh2) (Entered: 05/31/2019)
06/07/2019		Set/Reset Hearings: Settlement Conference set for 7/31/2019 at 10:00 AM in Courtroom 6 before Magistrate Judge G. Michael Harvey. (lcmgh2) (Entered: 06/07/2019)
07/31/2019		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephonic Settlement Conference held on 7/31/2019. (lcmgh2) Modified on 8/27/2019 (lcmgh2). (Entered: 07/31/2019)
08/26/2019		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephonic Settlement Conference held on 8/26/2019. (lcmgh2) Modified on 8/27/2019 (lcmgh2). (Entered: 08/27/2019)
08/30/2019		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephone Conference held on 8/30/2019. (lcmgh1) (Entered: 09/04/2019)
09/06/2019		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephonic Settlement Conference held on 9/6/2019. (lcmgh2) (Entered: 09/06/2019)
09/11/2019		Minute Entry for proceedings held before Magistrate Judge G. Michael Harvey: Telephonic Settlement Conference held on 9/11/2019. (lcmgh2) (Entered: 09/11/2019)